IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2849 of 1982

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE AKSHAY H.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NATIONAL EXPORT IND CORPN

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 2849 of 1982
NANAVATI & NANAVATI for Petitioner No. 1-2
GOVERNMENT PLEADER for Respondent No. 1

CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE AKSHAY H.MEHTA

Date of decision: 19/06/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

#. On 16.7.1982 this petition was admitted and rule was ordered to be issued on it and it was ordered to be heard

with Special Civil Application No.4454/81. Special Civil Application No.4454/81 was dismissed by the Division Bench of this court (Coram : K.Sreedharan, CJ & M.S.Shah, J.) on 14.11.1997 therefore, this petition has to be dismissed.

#. However, an attempt was made by learned counsel Shri Mehta to agrue on merits of this case, which we have refused because at the time of admission of this matter, a specific request was made by learned counsel for the petitioner that this matter be heard along with Special Civil Application No.4454 of 1981 and accordingly it was ordered to be heard along with Special Civil Application No.4454 of 1981 by the Division Bench of this court.

#. From the judgment and order of the Division Bench dated 14.11.1997, which was placed on record by the Office, shows that Shri S.I.Nanavati, Advocate appearing for the petitioner in that case has filed the present petition also. He could have very well brought to the notice of the Division Bench when another writ petition i.e. Special Civil Application No.4454/81 was heard and decided on 14.11.1997. In that view of the matter, today we will not permit Shri Mehta appearing for Shri Nanavati to address us on other grounds.

#. In view of the above discussion, when the identical writ petition i.e. Special Civil Application No.4454/81, which was ordered to be heard along with this petition was dismissed by this court way back on 14.11.1997, then this petition has to be dismissed in terms of the said judgment and accordingly it is dismissed. Rule is discharged with no order as to costs.

(B.J.Shethna, J.)

(Akshay H. Mehta, J.)

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